

APPROVING THE APPEAL OF  
DON PEARSTON TO REVERSE THE  
PLANNING COMMISSION'S APPROVAL  
OF SPECIAL PERMIT NO. 05046

(Appeal of Planning Commission Action)

RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 05046

1 WHEREAS, Lighthouse has submitted an application designated as Special  
2 Permit No. 05046 for authority to construct a nonprofit educational and philanthropic institution  
3 on property generally located at 26th and N Streets and legally described as:

4 Lots 104, 105, 106, and 107 I.T., located in the Northeast Quarter  
5 of Section 25, Township 10 North, Range 6 East of the 6th P.M.,  
6 Lancaster County, Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
8 public hearing on September 28, 2005 and approved Special Permit No. 05046 upon condition  
9 that construction of said educational and philanthropic institution be in strict compliance with  
10 said application, the site plan, and the following additional express terms, conditions, and  
11 requirements:

12 1. This approval permits a non-profit educational and philanthropic institution with  
13 up to 5 staff to serve approximately 30 program participants.

14 2. Make the following revisions to the site plan:

15 a. Add a note to the site plan showing parking calculations.

16 b. Add a note to the site plan stating all signage shall conform to the district  
17 regulations set forth in LMC Chapter 27.69.

18 c. Revise the plans to show all existing street trees and add a note stating  
19 all existing street trees will remain.

- 1                   d.     Add a note to the site plan stating the building appearance shall  
2                               substantially comply with the approved elevations. Minor changes may  
3                               be allowed following a review by the Planning Director.
- 4                   e.     Revise the parking lot screening to comply with design standards, or add  
5                               a note stating parking lot screening and landscaping will be shown at the  
6                               time of building permits.
- 7               3.     Before receiving building permits:
- 8                   a.     The Permittee shall have submitted a revised [final](#) plan including 5 copies  
9                               and the plans are acceptable.
- 10                  b.     The construction plans shall comply with the approved plans.
- 11                  c.     The operation and the premises are to meet appropriate local and state  
12                               licensing requirements, including compliance with health codes.
- 13               4.     Before occupying the facility all development and construction shall have been  
14                       completed in compliance with the approved plans.
- 15               5.     All privately-owned improvements shall be permanently maintained by the  
16                       Permittee.
- 17               6.     The site plan approved by this permit shall be the basis for all interpretations of  
18                       setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
19                       matters.
- 20               7.     This resolution's terms, conditions, and requirements bind and obligate the  
21                       Permittee, its successors and assigns.
- 22               8.     The applicant shall sign and return the letter of acceptance to the City Clerk  
23                       within 30 days following the approval of the special permit, provided, however, said 30-day  
24                       period may be extended up to six months by administrative amendment. The clerk shall file a

1 copy of the resolution approving the special permit and the letter of acceptance with the  
2 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

3 WHEREAS, Don Pearston has appealed from the Lincoln City-Lancaster County  
4 Planning Commission's approval of Specail Permit No. 05046;

5 WHEREAS, the community as a whole, the surrounding neighborhood, and the  
6 real property adjacent to the area included within the site plan for this nonprofit educational and  
7 philanthropic institution will be adversely affected by granting such a permit; and

8 WHEREAS, said site plan together with the terms and conditions set forth above  
9 are not consistent with the comprehensive plan of the City of Lincoln and with the intent and  
10 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and  
11 general welfare.

12 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
13 Lincoln, Nebraska:

14 That the final action of the Lincoln City-Lancaster County Planning Commission  
15 approving Special Permit No. 05046 be and the same is hereby reversed.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005:

\_\_\_\_\_  
Mayor